

Case No: _____
JURY DEMAND

1

2. Defendant City of Birmingham receives federal funds under the Community Development Block Grant program (CDBG), under which it is required to implement a “citizen participation plan,” the guidelines for which are largely set forward in 24 CFR 91.105. Birmingham’s chosen citizen participation plan¹ sets up Neighborhood Associations and lays out the process by which the leadership of these associations are to be elected. Having put forth these guidelines, Birmingham is obligated to abide by them.
3. The Citizens Advisory Board (“CAB”) is the highest body operating as part of Birmingham’s Citizen Participation Plan. The leaders of the 99 Birmingham neighborhoods serve on Community Advisory Committees, and the 23 presidents of the city’s Community Advisory Committees serve on CAB.
4. The Citizens Advisory Board, as well as the neighborhood associations organized underneath CAB, was created in the 1970s in the wake of Birmingham’s civil rights struggle. Birmingham citizens protested a citizen participation plan that had been created by the city in collaboration with the business-oriented group Operation New Birmingham. The citizens demanded that all representatives provided for by the plan be elected instead of appointed, and that Operation New Birmingham not be involved. CAB

¹ https://www.birminghamal.gov/wp-content/uploads/2020/12/HUD-CPP_rev12.2020.pdf

and the neighborhood associations were thus created in order to provide the citizens of Birmingham with further elected representation who was not beholden to the interests of developers, corporations, and other business groups.

JURISDICTION AND VENUE

5. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §, 1331, 1343(4), and §2201 and/or 42 U.S.C. §3613 in that the claims alleged herein arise under the laws of the United States.
6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1391(c), because the acts and omissions complained of herein occurred in this District, and because, at all times material and relevant, defendants resided in and transacted business in this District.

PARTIES

7. Plaintiff Camilla Thompson (“Thompson”) lives and resides, and at all times relevant lived and resided, in the Glen Iris neighborhood of Birmingham. She is over the age of 19 years old.
8. Defendant Alice Williams (“Williams”) is the deputy director of the Community Resource Services Division (“CRSD”) of Birmingham. The CRSD is largely charged with implementing the community participation plan, including overseeing the neighborhood elections. Williams is over the

age of 19 years old and resides in Jefferson County. At all times relevant, Williams acted as the official policymaker for Defendant City of Birmingham regarding the neighborhood association elections.

9. Defendant Jimmie Coleman (“Coleman”) is the president of the Citizens Advisory Board (“CAB”). Coleman is over the age of 19 years old and resides in Jefferson County.
10. Defendant William Harden (“Harden”) is the vice president of CAB. Harden is over the age of 19 years old and resides in Jefferson County.
11. The Defendant, City of Birmingham, is a municipal corporation and is located in the jurisdiction of the Northern District.
12. Elected officials, appointed officials, principals, executive officers, office managers, office staff, maintenance staff, security personnel, and employees for the aforementioned Defendants act as employees, agents, or representatives of Defendants in doing the acts or in omitting to act as alleged in this Complaint, and said employees or representatives acted within the course and scope of his or her actual or apparent authority pursuant to such agency or employment; or the alleged acts or omissions of such employees or representatives were subsequently ratified and adopted by Defendants as principals.

FACTS

13. The federal Community Development Block Grant program, in 24 CFR § 91.225, requires funding recipients to certify that they are in “full compliance and following a detailed citizen participation plan” that satisfies the requirements set forth in 24 CFR § 91.105.
14. 24 CFR § 91.105 states that funding recipients are “required to adopt a citizen participation plan that sets forth the jurisdiction’s policies and procedures for citizen participation,” and that “[t]he jurisdiction *must* follow its citizen participation plan.” (emphasis added).
15. § 91.105 also states that the plan “must provide for and encourage citizens to participate” and that the jurisdiction “must take appropriate actions to encourage the participation of all its citizens.”
16. § 91.105 further requires that the jurisdiction “provide residents of the community...with reasonable and timely access to information and records relating to the jurisdiction’s consolidated plan.”
17. One of the functions of Birmingham’s Citizen Participation Plan, stated within the plan itself, is “to fulfill the requirements of citizen involvement in the Community Development Program of the City of Birmingham under guidelines established by the Department of Housing and Urban Development (HUD) for the Housing and Community Development Acts.” This section of the plan alleges that Birmingham is thus “in compliance with

[24 CFR §] 570.303,” which simply requires the city to make the certification described in Paragraph 11 above.

18. Birmingham’s Citizen Participation Plan (“the plan”) provides that “[A]ny resident of the City of Birmingham who is at least eighteen (18) years of age, has resided in the neighborhood for at least one hundred twenty (120) days prior to the Declaration of Candidacy deadline and who has attended at least four (4) of that neighborhood’s meetings during the previous twelve (12) months prior to the Declaration of Candidacy deadline, is eligible to run for neighborhood office.”
19. The plan states that a neighborhood office becomes vacant if the officer is convicted of a felony or misses three consecutive meetings without an acceptable excuse, but does not provide any method by which the Citizens Advisory Board can remove neighborhood officers.
20. On January 31, 2022, the CRSD published a timeline stating the following:
 - a. Any individual who wishes to run for office must be a resident of the neighborhood by May 9, 2022
 - b. All absentee ballots, with proof of residency, must be postmarked, and returned to CRSD, by October 11, 2022
 - c. Individuals interested in running for office must submit Declaration of Candidacy form by September 6, 2022

- d. The official Ballot will be completed and published on the CRSD webpage on September 9, 2022
 - e. Voters may cast their vote via Absentee Ballot in person at City Hall from September 26 - October 11, 2022
 - f. Election Day will be Tuesday, October 18, 2022
21. Plaintiff Thompson has lived and resided in the Glen Iris neighborhood of Birmingham since well prior to May 9, 2022.
22. In the spring of 2022, Scott Capps (“Capps”) was the neighborhood president of the Glen Iris Neighborhood Association (“GINA”) and Rob Burton (“Burton”) was the secretary.
23. Capps had previously communicated to Burton that he would not be running again and wanted Burton to run for president of GINA in the 2022 elections.
24. At some point in the spring of 2022, Birmingham mayor Randall Woodfin learned that Burton was planning to run for president of GINA. Capps later told Burton that Woodfin had directly asked Capps to run again for President of GINA after all.
25. Defendant Williams had been appointed by Mayor Woodfin to run the CRSD in 2019 and works closely with Woodfin in her current position.
26. On August 12, 2022, Defendant Williams sent out an email to 2021-2022 neighborhood officers about the 2022 Citywide Neighborhood Officer

Election. This email included an election timeline, absentee ballot procedures, the first release of the 2022 Declaration of Candidacy form, and other relevant information.

27. “The timeline listed was as follows:

- a. Candidate Declaration Deadline – **September 6, 2022**
- b. Absentee Ballot Request Deadline - **September 13, 2022**
- c. Absentee in person voting at City Hall, Community Resource Services Division, **September 26-October 11, 8:00 a.m. to 5:00 p.m. (Valid identification and proof and residency required)**
- d. All stamp dated absentee and petition ballots w/proof of residency due- **October 11, 2022**
- e. Election Date – **October 18, 2022**
- f. Election Contest Submission Deadline – November 1, 2022”

28. At some point, Williams has stated that CRSD is not equipped to be managing these neighborhood elections.

29. According to the 2022 Declaration of Candidacy form, in order to qualify to run for office during the October 18, 2022 election, residents had to fulfill the following requirements: 1) Must be 18 years old or older, 2) Have been a resident of this neighborhood since June 20, 2022, 3) Have attended at least four (4) neighborhood meetings during the previous twelve (12) months

prior to the September 6, 2022, deadline.

30. The Declaration of Candidacy form did not require or even include the submission of any form of ID. It required prospective candidates include their name, phone number, address, zip code, neighborhood of residence, office they will be running for, and to sign and date the form.
31. By the end of the business day of September 6, 2022, five residents of Glen Iris submitted their Declaration of Candidacy form to the Community Resource Services Division. This included two residents for president (Rob Burton and Scott Capps), two residents for vice president (Camilla Thompson and Doug Edmonson), and one resident for secretary (Alice Speake). Rob Burton, Camilla Thompson, and Alice Speake all submitted their form by email on September 6, 2022, and all received email responses back acknowledging that their forms were received.
32. Following these qualifications, Burton, Thompson, and Speake were largely seen as running as a “slate” of candidates.
33. The CRSD did not publish any official ballot on their web page by September 9, 2022 as the department said that it would.
34. On September 14, 2022, the Birmingham City Council voted to set the date for the 2022 Citywide Neighborhood Officer Elections as Tuesday, October 18, 2022. This is the date that was proposed by the CRSD.

35. On September 16, 2022, Speake received an email from the CRSD that stated that she did not qualify to run for GINA office, but that if she had any questions she could contact the CRSD office. The same day, Burton (serving as Neighborhood Secretary at this time) was contacted about the issue and spoke with Defendant Williams over the phone. He was told that Speake was disqualified for not attending enough meetings. Immediately after the phone call he forwarded the previous emails he sent to the CRSD that included attendance sheets where Speake was listed as in attendance. Additionally, Speake then emailed Defendant Williams to specify the exact months she was in attendance, and to request for the ballots to not be published until the issue was resolved.

36. During the week of September 19, 2022, after reviewing all documents submitted to their office, the CRSD deemed all five candidates in Glen Iris to be qualified, and listed all five qualified candidates on the official ballot for the Glen Iris Neighborhood Association election ballot, to be held on October 18, 2022.

37. On September 22, 2022, the CRSD finalized the election polling locations for October 18, 2022, and began distributing that information. This included four polling locations for Election Day. Voters were allowed to vote at any of the four precincts, regardless of which neighborhood they resided in.

Residents were simply told they needed to bring an ID and proof of residency with them to the polls.

38. October 11, 2022 was the last day of In Person Absentee Voting. Thompson, Speake, and Burton went into Birmingham City Hall together and voted via In Person Absentee Ballot. None of the persons listed had any issues submitting an ID, proof of residence, or casting a ballot.

39. The Citywide Neighborhood Officer Election, managed by the CRSD, was held on October 18, 2022.

40. On October 21, 2022, the CRSD published the Unofficial Election Results and the process for contesting. This information was also sent out by email from Defendant Williams.

41. According to the Unofficial Results of the Glen Iris Neighborhood Association 2022 Officer Elections, Rob Burton won the election for President (with 66 votes) vs Scott Capps (with 39 votes), Camilla Thompson won the election for Vice President (with 55 votes) vs Doug Edmonson (with 49 votes) and one vote cast for a write in candidate, and Alice Speake won the election for Secretary with 73 votes with 23 write in votes cast amongst 7 names. All three candidates who won the vote count in the unofficial vote count were deemed qualified candidates by the CRSD and were listed on the official election ballot.

42. According to the CRSD, any citizen may formally contest the result of an election in which he or she was a candidate. A contest may occur for the following reasons: “1) The contesteer claims that the election was not carried out in accordance with the procedure established in the Citizen Participation Plan and that the failure to carry out these procedures altered the results of the election. 2) The contesteer claims that persons were not allowed to vote to such an extent that the results would have been changed if the votes of such persons, whether challenged or not, were properly counted. All election contests must be in writing, signed and dated by the candidate contesting the election, and include in detail all of the allegations of infractions upon which the election is contested.” Any contestations were to be received by the Supervisor of the CRSD, Deputy Director, Alice Williams, no later than 5:00 pm on Tuesday, November 1, 2022.

43. No candidate in the Glen Iris Neighborhood Association contested the results of the election before the November 1, 2022 deadline.

44. The document submitted to the City Council on January 17, 2023, by the Community Resource Services Division for the certification of the 2022 Neighborhood Officer Election did not include the official results for all candidates, only the vote counts for the candidates they listed as the winner. Additionally, it included inaccurate information stating candidates that were

listed on the ballot were write-in candidates, information that showed candidates who lost the vote count in the unofficial tally were the winner, and other discrepancies.

45.Despite these discrepancies, on Tuesday, January 17, 2023 the Birmingham City Council passed an ordinance to certify this document as the Official Tally Results. Regarding the results in the Glen Iris Neighborhood Association, the ordinance passed by the Birmingham City Council to certify the 2022 Neighborhood Officer Election stated that Doug Edmonson was the winner of the Glen Iris Neighborhood Association Vice Presidential election contest, despite having the same vote count listed in the Unofficial Tally, and it only included Alice Speake’s vote count as 20 votes and labeled as a “write-in” candidate, despite the unofficial tally listing her as having received 73 votes. All 53 election day votes for Alice Speake were missing from the Official Tally Results.

46.On January 20, 2023, Doug Edmonson (“Edmonson”) contacted Rob Burton, both via text (8:23 AM), and then via a phone call. Edmonson stated that he had been contacted by CRSD, and was invited to the January 31, 2023 Officer Swear In Ceremony.

47.Edmonson stated that he knew he lost, and wanted help looking into it. He also let Burton know the Official Tally Results were posted online.

48. Burton reviewed the Official Tally Results, immediately noticed the issues with both the VP and Secretary results in Glen Iris, as well as multiple discrepancies in other neighborhoods. He then called and spoke with Defendant Williams over the phone.

49. When asked about why Speake was listed as a “write in candidate” on the Official Tally, Defendant Williams immediately reviewed, acknowledged that that was a mistake, and then said that CRSD can always make edits to correct any mistakes listed in the Official Tally Results, and bring that back to the Birmingham City Council for recertification.

50. When about the “missing” election day votes for Speake, Williams opened the electronic documents to review Speake’s vote totals. Williams first stated that someone must have edited the document who was not supposed to. Williams has stated similar comments during future public meetings, including at future Glen iris Neighborhood Association meetings.

51. Williams then let Burton know that Speake had approximately 35 votes cast for her at the Memorial Park precinct. Williams then stated that Speake also received votes from another precinct, but that she would have to give Burton a call back with that information.

52. Williams said any candidate could come down to City Hall, and they would be happy to open up their books with the candidate to show the tally. The

two agreed that Burton would come down to do that.

53. When asked about Thompson's vote total, Williams said Thompson had 30 votes cast for her at the Memorial Park precinct, and that she would have to get back with him in a few days about Thompson's total votes.

54. From January 23, 2023 to January 25, 2023, there were continued efforts by Burton, Thompson, and Speake to find out the correct vote totals. This included both in person meetings, and additional phone calls. All of these communications were recorded.

55. On January 23, 2023, Thompson, Speake, and Burton went to City Hall to meet with CRSD employee Flora, at the suggestion of Williams. Flora said that she could not pull up the exact number at that exact moment, and she would call them with the exact vote totals later that day. That never happened.

56. On January 27, 2023, Williams called Burton and stated the following:

- a. She had the final results for Speake (at 70 votes) and Thompson (at 55 votes). As such, Thompson was the winner of the VP election for Glen Iris.
- b. She had already spoken to Edmonson, who recognized that he lost.
- c. Thompson was officially invited to the Officer Swearing-In Ceremony on January 31, 2023. Williams stated she would also contact

Thompson directly to invite her. It is unclear if that ever happened.

- d. The CRSD would bring the issue back to the Birmingham City Council for recertification, but likely not before the swearing-in.
- e. Williams would contact Councilor Valerie Abbott (“Abbott”) to let her know of the situation.

57. As expected, the CRSD did not bring the recertification issue to the Birmingham City Council meeting on January 31, 2023.

58. Abbott asked questions during the Birmingham City Council meeting on January 31, 2023. In particular, she asked about residents being invited to be sworn in when they still had not been certified by the Birmingham City Council.

59. The CRSD never contacted Burton or Thompson on January 31, 2023. Burton tried calling Williams that afternoon, but it went straight to voicemail.

60. Thompson and Burton arrived at the Officer Swearing-In Ceremony together.

61. Burton signed in next to his name, listed on the sign-in sheet as Glen Iris President.

62. The Glen Iris VP position was listed on the sheet as “vacant”. Assuming a mistake, Thompson attempted to sign in, and was told by CRSD staff

member Flora that she could not sign in there. Burton and Thompson asked to speak with Williams.

63. Williams said that Camilla had been disqualified but did not give a reason.

She stated that the VP position was vacant, that the CRSD would have to attend the February 2023 Glen Iris neighborhood meeting to announce the vacancy, and that there would have to be a new election during the March 2023 neighborhood meeting. When Burton asked for more information about disqualification, he was unable to get answers to his questions.

64. On February 1, 2023, CBS 42 released an initial investigative piece² on the ongoing election discrepancies. It included quotes from Faith Abrahms (North Pratt), Doug Edmonson (Glen Iris), and representatives from the City of Birmingham. The article included the quote, “I told her ‘I think you made a mistake,’” Edmondson said. “‘I lost the election by a few votes.’”

65. On February 6, 2023, Williams, on behalf of the CRSD, and Kelvin Datcher, on behalf of the Mayor’s Office, attended the February 6, 2023 GINA meeting. During the meeting they stated that Thompson did receive the most votes for Glen Iris Vice President during the 2022 Neighborhood Officer Election, implied they were disqualifying her because she did not submit an

² <https://www.cbs42.com/digital-exclusive/election-shenanigans-winners-and-losers-question-legitimacy-of-birmingham-neighborhood-elections/>

ID, and that they would be conducting an audit of the 2022 Glen Iris Neighborhood Association election as a whole. Thompson offered to show Williams her ID, and Williams explicitly rejected that offer.

66. The CRSD then stated that they would present the results of the audit to the Glen Iris Neighborhood Association during the Glen Iris meeting on March 6, 2023.

67. During the February 6, 2023 GINA meeting, the Glen Iris residents passed the following resolution: “Let the minutes reflect that the Community Resource Services staff will be auditing our election results and their processes for ballot verification and bring those results back to us at our next meeting, and we will proceed from there.” The Glen Iris Neighborhood Association passed the resolution with a vote count of 12-1-2.

68. On February 20, 2023, Burton let the Citizens Advisory Board (CAB) know a short synopsis of what is happening in the Glen Iris Neighborhood Election, and that CRSD would be conducting an audit.

69. During the March 6, 2023 GINA meeting, the Deputy Director of CRSD, along with the new Senior CRR, presented the “results of the election audit,” stating that:

a. The official tally included the following:

i. Total Ballots – 106

- ii. President: Rob Burton - 64, Scott Capps - 38, No Vote Cast – 4
 - iii. Vice President: Camilla Thompson - 54, Doug Edmonson - 48,
Hope Cooper (write in) - 1, No Vote Cast – 3
 - iv. Secretary: Alice Speake - 71, All Others (write ins) - 23, No
Vote Cast – 12
- b. They were retroactively disqualifying the candidacy of Camilla Thompson.
 - c. The rationale for disqualifying Thompson was that she did not submit an ID.

70. When asked if ID was required to be a certified candidate, Williams said ‘ID’s are not required to become a qualified candidate.’ Identification is therefore not a requirement, and should not be used to retroactively disqualify a candidate. Other candidates reported that they did not submit identification with their declaration of candidacy forms, yet CRSD confirmed their elections.

71. A Glen Iris resident made a motion to host an election for the Vice President of GINA. At first CRSD said they “would do whatever the neighborhood wanted,” but that although they could announce a vacancy that day, the election itself could not happen until the April 2023 meeting. Abbott then stated that there was not a vacancy, because the Birmingham City Council

certified Doug Edmonson as VP. CRSD told the resident that the resident was not allowed to make that motion at all, as they were no longer considering the Vice Presidential position vacant, despite the fact that to date no candidate had been given an opportunity to swear in.

72. The Glen Iris residents then passed the following motion: “For the City of Birmingham to clarify the process and validating all candidates before publishing their names on ballots, whereas, if your name is published on the ballot, you are a qualified candidate, and that the City of Birmingham addresses this issue, and does not retroactively eliminate any candidates who were previously confirmed as qualified candidates.” The motion was seconded and passed 30-0-3.

73. On March 13, 2023, Burton sent the motion passed by GINA and a synopsis of the history of the situation to the full Birmingham City Council and their Chiefs of Staff.

74. On March 20, 2023, Burton presented the results of the Glen Iris Election Audit, and brought the synopsis to distribute to the Citizens Advisory Board (CAB).

75. On March 23, 2023, Rob Burton received the following email from Doug Edmonson:

“Rob,
I am emailing a copy of a text that I sent you earlier just to make sure

you receive it. A copy of this request has also been sent to members of the executive committee

Rob

March 13th I was sworn in as VP of GINA and at that time, I requested CRS to notify you. At this time I am requesting to be recognized as VP. At some point we need to talk. I suggest this be done at a meeting of the executive committee. It is time to get this on the table and behind us and move on.

Doug”

76. During the April 17, 2023 meeting of the Community Advisory Board, In response to a question for updates from William Harden, President of the East Pinson Valley Community & VP of the CAB, Defendant Williams again said that the issue was that Thompson did not submit an ID. Burton replied that Williams explicitly stated at the Glen Iris Neighborhood Association meeting that IDs were not required for qualification.

77. Williams, for the first time, then implied that the issue was that Thompson did not live in the Glen Iris Neighborhood.

78. Burton asked if the address on the proof of residence Thompson brought with her to vote was the same address that was listed on Thompson’s Declaration of Candidacy form. Williams said yes, they are the same address. Williams never gave her rationale for implying Thompson did not live in the neighborhood.

79. Elizabeth Sanfelippo, President of the Red Mountain Community, brought up that there seems to be a lot of scrutiny being placed on Thompson that

was not being placed on any other candidate from any neighborhood in the 2022 Neighborhood Officer Election.

80. Speake spoke at the meeting as a public speaker. She brought up the issue that happened with her qualification before the election. CRSD had let her know that allegedly according to their records she did not qualify, and on what grounds. Speake was given the ability to submit follow up information to show her qualification, at which point CRSD conceded that Speake did qualify and proceeded to add her to the ballot.

81. Speake noted that the above process was not offered to Thompson, and that CRSD explicitly opposed Thompson's offer to show additional identification or other records during the February and March Glen Iris Neighborhood Association meetings.

82. On April 19, 2023, during the Birmingham City Council Committee of a Whole Meeting, Williams gave her report once again, stating that Thompson had been disqualified.

83. Councilor Abbott asked questions about the section of the Community Participation Plan related to neighborhood elections. Councilor Abbott's comment included proposing an additional edit to the Plan to require the submission of an ID during the qualification process, and more stringent voter ID rules. Referring to Thompson, Councilor Abbott also stated 'you

can't just live at your boyfriend or girlfriend's house, you must actually live in the neighborhood.'

84. On April 26, 2023, Speake submitted the following public records request to the City of Birmingham's Public Information Office:

Purpose of Request

To shed light on and improve the public's understanding of the city's processes for citizen participation in neighborhood elections and other aspects of municipal planning and decision-making.

Description of Records Requested

Any and all communications sent to or received by the Community Resource Services Division, the office of Councilperson Valerie Abbott, and/or the Office of the Mayor regarding the 2022 Glen Iris Neighborhood Association election for the time period of September 1st, 2022 to the date of this request. This includes, but is not limited to, communications regarding candidate qualifications and the audit of election results.

85. On April 29, 2023, Defendant Harden emailed Burton, CC'ing the President (Defendant Coleman) and Secretary of CAB, stating that the CAB Leadership team feels adequate answers have been given, that the City recognizes Doug as the winner, that the CAB Leadership now considers this matter closed, and that GINA should officially recognize Doug Edmonson as the VP of the association. He also stated that the CAB Leadership wanted to attend the May 1 Glen Iris Neighborhood Association meeting in order to discuss this matter further.

86. Burton responded to Harden, asking that since CAB Leadership considers the matter closed, if they would be willing to make clear the official reason Thompson was disqualified.

87. Harden's response included a statement that "Ms. Thompson submitted some information that led to questioning her actual residency." Additionally he quoted the Citizens Participation Plan saying that for a candidate to qualify, they must have "resided in the neighborhood for at least one hundred twenty (120) days prior to the Declaration of Candidacy" and that "Any candidate who certifies he/she is qualified and fills out the required form, and is elected, but later is discovered to have falsified the declaration shall be declared ineligible to serve effective immediately." He stated that Thompson was disqualified "based on the proof or[sic] residency submitted on her candidacy form."

88. After the May 1, 2023 Glen Iris Neighborhood Association Meeting, which was attended by CAB Leadership, CAB Leadership came to the front of the room with Doug Edmonson and essentially created a semicircle around Burton and Speake. They began to initiate the conversation about recognizing Edmonson as VP. Speake stated that she and her husband needed to leave to get home to their 9-month-old child. Defendant Coleman did not accept that. When Speake's husband stated that they needed to leave,

Coleman stated something to the line of “I don’t care, and I don’t know who you are.” Coleman threatened Speake, stating that if she left without agreeing to recognize Edmonson, CAB would remove her from office.

89. In conversation with Burton, Harden again stated that CAB would consider removing Burton and/or Speake from office for “not fulfilling their positions adequately” due to not recognizing Edmonson.

90. Harden stated that CAB Leadership’s official position was that Thompson was disqualified for not living in the neighborhood.

91. Harden also stated that Thompson’s official voter registration card from the Alabama Secretary of State’s office, along with the official date she changed her voter registration, would be adequate proof of residency to prove qualification and that she should email these documents herself to Alice Williams and CAB Leadership.

92. On May 2, 2023, the City of Birmingham’s Public Information Requests Team responded to Speake’s Open Records Request, stating that “bulk” requests were not acceptable and refusing to fulfill the request

93. During the week of May 8, 2023, Speake made a public records request online for a copy of the Jan 31st sign-in sheet for the swearing-in ceremony and for the copy of the tabulations reported by Williams in the March 6th GINA meeting.

94. On May 15, 2023, Thompson sent the following email, with attachments, to Williams and CAB Leadership (Coleman, CAB President; Harden, CAB VP; Adrienne Reynolds, CAB secretary) in order to submit the documents suggested by Harden and CAB Leadership.

“Hello Alice Williams,

The Citizen Advisory Board (CAB) leadership has communicated that the official reason the Community Resource Services Division disqualified my candidacy in the City of Birmingham's 2022 Neighbourhood Officer Election was based on the concern about whether I lived in the Glen Iris neighborhood. As such, CAB VP William Harden recommended I email a copy of my Voter Registration Information Card from the State of Alabama's Secretary of State as my proof of residence, which I have attached below. Additionally, I have attached a screenshot from the Secretary of State website as well. You can see from the Alabama Secretary of State office (<https://www.sos.alabama.gov/alabama-votes>) that I have lived at 1907 5th Street S since well before the May 2022 requirement to qualify, but my residency was even listed at this address before the City of Birmingham's 2021 municipal election. As such, with this new information being submitted to your office, it is clear that I met all of the requirements to run for Glen Iris Neighborhood Association Vice President in the City of Birmingham's 2022 Neighborhood Association Election. I am asking for clarity on your office's next steps for rectifying this issue, and for fixing the certification of the election accordingly. I would love to put this item behind us as soon as possible so we can all focus on other matters.”

95. On May 16, 2023, Harden responded to Thompson's email, stating:

Good Morning Ms. Thompson,

I was not at CAB last night so if this came up again I don't know. You are partially correct in the statement that I made. The other part of that statement that was made to Mr. Burton in regards to your voter ID

card was it have some a dated timestamp or have a way to show that address was established prior to the candidacy deadline.

While everything you have attached does have what appears to be a correct address none of this information on its own as you presented it has anyway to confirm this was official address with the state prior to the candidacy deadline as none of it is dated. I also checked the state site with my own information as I didn't have your date of birth obviously.

The state website shows my current residency and voting information and my voting status. As you are aware it does not confirm from a date perspective when that became your address or how long you have been at that address from the website itself. So I am not sure where you are seeing it shows you lived there before any particular date.

At this point you have submitted quite a bit of information with the address in question yet none of the officially recognized information (i.e. state of Alabama documentation you submitted) has confirmed a date prior to the needed date for candidacy which is the issue with all the information that you have submitted. So it is still no clear as you say since there are still no verifiable dates. Did you happen to use the same state website to submit your change of address to the address the state website shows? If so you may have some email confirmation with a date or possibly an acknowledgement of receipt from the State of Alabama of your request from that email when you did it which would have a date.

My apologies if this email has been previously addressed but I did want to respond to your email.”

96. In response to Thompson’s request to the Jefferson County Board of Registration for the official date she legally changed her address to her current address, Christie Forsyth, Board of Registrars for the Jefferson County Commission, emailed Thompson back stating that “We updated you

to the 1907 5th Street S address on 7/22/2021 but your original registration date with Jefferson County is 1/28/2016.” The email from the Jefferson County Board of Registrars also included an image from the Board of Registrar system which shows her current address and the date that she legally changed her address.

97. Thompson forwarded this email from the Jefferson County Board of Registrars to CAB Leadership and Williams, also stating the following: “As requested, the official date that my residence was changed to 1907 5th Street S in Glen Iris (07/22/2021), from the Administrator at the Jefferson County Board of Registrars. Please let me know the next steps to remedy this issue.”

98. On May 19, 2023, the Birmingham Times released an article with updates³ about the ongoing Glen Iris neighborhood election discrepancies, also including it in their weekly print newspaper that was distributed on Thursday, May 25, 2023.

99. On May 23, 2023, due to lack of response in the email thread with the information from Christie Forsyth, Jefferson County Board of Registrars, Thompson replies again with the following, “Hello CAB Leadership and Alice Williams, I have not received any email responses to my email last

³ <https://www.birminghamtimes.com/2023/05/birmingham-resident-claims-she-won-a-neighborhood-election-city-wont-let-her-serve/>

week. I am responding to ensure y'all have received this information from the Jefferson County Board of Registrars that y'all requested. Please respond to let me know y'all have received this email.”

100. On May 24, 2023, Harden responded via reply all stating: “Good Morning Ms. Thompson, It has been received.” Since this date, neither Thompson, Burton, nor Speake have heard from any representatives from either CAB, CRSD, the Birmingham City Council, the Mayor’s Office, Edmonson, or anyone else with more details regarding this matter.
101. Harden has since repeated his threat to remove Burton and Speake from GINA office if they refuse to recognize Edmonson.
102. Burton, Thompson, and Speake have all experienced significant mental health strain as a result of the false and baseless accusations and threats. As conscientious neighborhood leaders attempting to adequately and admirably represent the interests of their neighborhood’s citizens, they are attuned to the community’s perception of them and continue to suffer from significant anxiety regarding the reflection that these accusations, and the accompanying difficulties in carrying out the business of the neighborhood, have on them.

FIRST CLAIM

§ 1983 Due Process

All Plaintiffs against All Defendants

103. Plaintiffs repeat, reallege, and incorporate by reference paragraphs 1-102 above.
104. Defendants have deprived Plaintiff Thompson of her procedural due process rights to challenge and overturn the incorrect and unsupported proclaimed result of the GINA election for vice president.
105. Defendants have threatened to remove Plaintiffs Burton and Speake from their GINA elected positions, a censure that Defendants have no legal method to enact.
106. In doing the acts of which Plaintiffs complain, Defendants and their agents and employees intentionally and recklessly violated Plaintiffs civil rights.

SECOND CLAIM

§ 1983 Equal Protection

Plaintiff Thompson against All Defendants

107. Plaintiffs repeat, reallege, and incorporate by reference paragraphs 1-102 above.
108. In retroactively demanding that Plaintiff Thompson show a specific form of identification in order to be qualified to run for neighborhood office, Defendants have held Plaintiff Thompson to standards to which no other candidate for neighborhood office was held.

109. In refusing to accept the proof shown by Plaintiff Thompson that she was qualified to run for neighborhood office under the guidelines proffered by the CRSD, Defendants have held Plaintiff Thompson to standards to which no other candidate for neighborhood office was held.

110. In doing the acts of which Plaintiffs complain, Defendants and their agents and employees intentionally and recklessly violated Plaintiffs civil rights.

THIRD CLAIM

Defamation – State Law

Plaintiffs Thompson and Burton; Defendants Williams, Harden, & Coleman

111. Plaintiffs repeat, reallege, and incorporate by reference paragraphs 1-102 above.

112. Defendants Williams, Harden, and Coleman have repeatedly stated or implied via public oral communication and via published written communication that Thompson is guilty of falsifying her identification and credentials to establish Thompson's candidacy for GINA, essentially accusing her of voter fraud.

113. Defendants Williams, Harden, and Coleman have repeatedly stated or implied via public oral communication and via published written

communication that Burton supported or even assisted Thompson's alleged falsifications.

114. Defendants Williams, Harden, and Coleman knew that their allegations against Thompson, and by extension their allegations against Burton, were false.

115. Defendants Williams, Harden, and Coleman made these allegations with the intent to lower Thompson's and Burton's standing within the community.

116. Defendants' statements were made without privilege or justification.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following entry of judgment against Defendants:

1. Declaratory relief that Plaintiff was improperly held ineligible to run for neighborhood office;
2. Injunctive relief requiring Defendants to recognize Plaintiff as having won the 2022 election for Glen Iris Neighborhood Association Vice President, and requiring Defendants to introduce a corrective item to the Birmingham City Council for the Council to verify the corrected election result;
3. Injunctive relief preventing Defendants from removing, without such cause as is stated in the city's Citizen Participation Plan Plaintiffs Burton and Speake from their elected offices within the Glen Iris Neighborhood Association and from any offices that they hold currently or in the future within the city's Community Advisory Committees or Citizens Advisory Board;
4. Monetary damages to compensate Plaintiffs for the troubles and suffering

incurred as a result of the false accusations lodged against them;

5. Costs of suit herein incurred under 42 U.S.C. § 1988, including reasonable attorneys' fees;
6. All such other and further relief as the court may deem just and proper.

DEMAND FOR JURY TRIAL

Done this the 28th day of September, 2023.

/s/Richard A. Rice
Richard A. Rice

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JURY DEMAND